



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

June 8, 2004

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SUBJECT: ALLEGATION NO. RIII-04-A-0061

Dear []

This letter refers to your meeting with Michael Morris on May 14, 2004, in which you expressed concerns related to activities at the Point Beach Nuclear Power Plant. You are concerned (1) that supervisors and maintenance crews are working beyond the 72 hours allowed and becoming tired enough that they are making mistakes and (2) that you may be fired for talking to the NRC but came to the NRC because of your concern for a safe work environment. Enclosure 1 to this letter documents your concerns as we understand them. If we have misunderstood or mischaracterized your concerns as described in the enclosure, please contact one of the Region III Office Allegation Coordinators at the address provided below.

Enclosure 2 to this letter is the NRC brochure, "Reporting Safety Concerns to the NRC." The brochure contains information that you may find helpful in understanding our process for reviewing safety concerns. It includes an important discussion of the NRC's identity protection procedures and limitations on pages 5-7. Mr. Morris discussed our identity protection program with you on May 14, 2004. You indicated that you (1) did object to having your identity released, and (2) did object to having the concerns referred to the licensee. Concerns 1 and 2 have been added to the inspection plan of a future NRC inspections. During the inspection, we intend to take all reasonable efforts not to disclose your identity. When we complete our inspection we will provide you the results of our inspection.

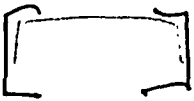
While you have not raised employment discrimination as one of your concerns, if at a later date you believe you are the victim of employment discrimination, you have 180 days from the date of the alleged discriminatory act in which to file a written complaint with the U.S. Department of Labor (DOL) under Section 211 of the Energy Reorganization Act. You will need to file your written complaint at the following address:

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street, Rm. 3244
Chicago, Illinois 60604
Telephone: (312) 353-2220

If you file with the DOL, please provide us with a copy of the complaint. Information in this record was deleted in accordance with the Freedom of Information Act, exemptions 7C
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The NRC and DOL have differing responsibilities when evaluating employment discrimination. While the DOL can order personal remedies such as reinstatement of your job, back pay, and reverse disciplinary action, the NRC does not have that authority. The NRC may conduct an independent investigation, in parallel with the DOL investigation, to determine if discrimination occurred. Additionally, the NRC will review the final decision of the DOL. If the NRC concludes discrimination occurred, the NRC will determine if enforcement action against the licensee is warranted.

Thank you for notifying us of your concerns. We will advise you when we have completed our review of these matters. If you have any questions, please contact Ken Lambert or me by writing to the U.S. Nuclear Regulatory Commission, Region III, at 2443 Warrenville Road, Suite 210, Lisle, Illinois 60532-4352, or by calling the NRC Region III switchboard toll free at (800) 522-3025. My E-mail address is JKH@nrc.gov and Mr. Lambert's E-mail address is KJL@nrc.gov. If you E-mail us, please send the information to both E-mail addresses and our common E-mail address which is OAC3@nrc.gov. Your cooperation is appreciated.

Sincerely,

James Heller
Senior Allegation Coordinator

- Enclosures: 1. Summary of Concerns
2. NUREG/BR-0240, "Reporting Safety Concerns to the NRC"

cc w/enclosure 1: AMS File No. RIII-04-A-0061

EXPRESS MAIL

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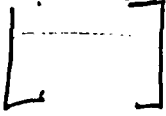
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DATE	06/1/4		06/8/4		06/8/4	

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NAME	Heller/bh		Lambert		Heller	
DATE	06/1/4		06/8/4		06/ /4	

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ENCLOSURE

AMS File No. RIII-04-A-0061

Our current understanding of your concerns is summarized below. If you have any additional or clarifying information related to these concerns, please contact one of the Region III Office Allegation Coordinators at the addresses or telephone number provided in the letter.

Concern 1:

You are concerned that supervisors and maintenance crews are working beyond the 72 hours allowed and becoming tired enough that they are making mistakes. You stated that the supervisors and crews in the mechanical and electrical maintenance department have been charging excessive hours to turnover to avoid the need for a waiver or writing a CAP when the working hour limits was exceeded,

Concern 2:

You are concerned about being fired for talking to the NRC, but came to the NRC because of your concern for a safe work environment. You stated that you were afraid to go to management and the employee concern program coordinator because you believed that people who raise concerns are marked for termination. You stated that one of the individuals who were fired because of the hot leg vent incident had previously been marked for dismissal after raising dry cask storage concerns.